

REMARKS

In the Office Action mailed December 28, 2007 the Office noted that claims 1-9 were pending and rejected claims 1-9. Claims 1-9 have been canceled, claims 10-41 have been added, and, thus, in view of the foregoing claims 10-41 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

SPECIFICATION

The Specification has been amended. The Specification can be found in appendix to the amendment. The Applicant submits that no new matter has been added by the amendment of the Specification.

CLAIM OBJECTION

Claims 3-9 stand object to for informalities. In particular, the Office asserts that claims are in multiple dependent format. The Applicants have cancelled claims 3-9.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 1 and 2 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1 and 2 have been cancelled and a substitute set of claims added.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1 and 2 stand rejected under 35 U.S.C. § 112,

second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant has cancelled claims 1-9 and replaced the original set of claims with claims 10-41.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Pursuant to the comments of the Examiner on page 8, section 8 of the Office Action, the Applicant submits new claims. Claims 10-41 are new. Support for the claims can be found, for example, in claims 1-9. Further, the Applicant recognizes that some terms (e.g. pair) are not explicitly found in the Specification. However, the term "pair" has support, for example, in ¶¶ 0059 and 0060 of the amended Specification. For instance, ¶ 0060 states in part "[a]s soon as you can't buy A or B anymore, start buying instead a third stock C and continue the action by combining the three stocks A, B and C. This gives you now three possible combinations (A-B, A-C, B-C) instead of just one (A-B)." One of ordinary skill in the art would immediately recognize that three stocks can be broken into three pairs of stocks "(A-B, A-C, B-C)." MPEP § 2163 states in part

See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient"). [Emphasis added]

The Applicant submits that no new matter has been added

by the addition of claim 10-41. The Applicant further submits that the features of the claims are not taught by the prior art.

SUMMARY


It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 112. It is also submitted that claims 10-41 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the fee of \$515 for the 21 claims of any type added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr.
Reg. No. 55,394
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/fb

APPENDIX:

The Appendix includes the following item(s):

- ☐ - a terminal disclaimer
- ☐ - a 37 CFR 1.132 Declaration
- ☒ - a new or amended Abstract of the Disclosure
- ☐ - a Replacement Sheet for Figure of the drawings
- ☒ - a Substitute Specification and a marked-up copy of the
originally-filed specification
- ☐ - a verified English translation of foreign priority document